

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case 4:05CR611 CAS
)	
LAYETTE WILLIAMS,)	
)	
Defendant.)	

ORDER ON PRELIMINARY SUPERVISED RELEASE
REVOCATION HEARING AND DETENTION

Defendant Layette Williams came before the undersigned on a warrant for his arrest issued on July 21, 2008, on Order of the Honorable Charles A. Shaw, United States District Judge. The Order was issued on the petition of a United States Probation Officer, and alleged that Defendant violated conditions of supervised release imposed by the Court. Defendant was arrested on July 31, 2008, and made his initial appearance before the undersigned on that date. A preliminary supervised release revocation hearing and a hearing on detention were scheduled.

On August 4, 2008, Defendant appeared with his attorney, Stephen R. Welby. The government appeared by Assistant United States Attorney Mike Bert. After conferring with his counsel and being advised by the Court of his legal right to a preliminary supervised release revocation hearing, Defendant knowingly and voluntarily waived his right to a preliminary hearing, both orally and in writing, and agreed to be bound over for the final supervised release revocation hearing scheduled for August 19, 2008.

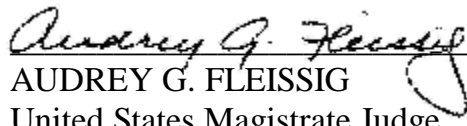
With regard to the motion for pretrial detention, neither party had any objections to the information contained in the Pretrial Services Report (PSR) dated July 31, 2008, which the Court adopts and incorporates herein.

Pursuant to Rules 46(d) and 32.1(a)(6), Federal Rules of Criminal Procedure, and 18 U.S.C. §3143(a), the burden is on Defendant to show by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community. Absent such a showing, Defendant must be detained. In light of Defendant's waiver, there is probable cause to believe that since June, 2008, Defendant has essentially elected to stop complying with the terms of his supervised release, and has intentionally and repeatedly failed to comply with drug testing, drug treatment, and with his reporting requirements. Defendant was also cited in the past for violations that involved his testing positive for the use of marijuana. Based on the foregoing, and for the reasons set forth in the Pretrial Services Report, the undersigned finds that Defendant has not met his burden to demonstrate that he is not a flight risk or a danger to the community. To the contrary, in light of Defendant's past history of drug usage while on supervised release, and his current intentional refusal to comply with drug testing, drug treatment, and other conditions of supervision imposed by the Probation Office, the Court finds that there is no condition or combination of conditions that would reasonably assure Defendant's appearance and the safety of the community, and the undersigned therefore orders that Defendant be detained pending a final supervised release revocation hearing.

THEREFORE, IT IS HEREBY ORDERED that Defendant be held to appear for a final supervised release revocation hearing on **Tuesday, August 19, 2008 at 10:00 a.m.**, before the Honorable Charles A. Shaw.

IT IS FURTHER ORDERED that Defendant shall remain in the custody of the United States Marshal pending the final revocation hearing in this matter.

IT IS FURTHER ORDERED that Defendant be afforded reasonable opportunity for consultation with counsel, and that, on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.


AUDREY G. FLEISSIG
United States Magistrate Judge

Dated this 4th day of August, 2008.